

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

RECEIVED

MAR 12 2001

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
)  
Amendment of Parts 2 and 25 of the )  
Commission's Rules to Permit Operation of )  
NGSO and FSS Systems Co-Frequency )  
With GSO and Terrestrial Systems in the )  
Ku-Band Frequency Range; )  
)  
Amendment of the Commission's Rules to )  
Authorize Subsidiary Terrestrial Use of the )  
12.2-12.7 GHz Band by Direct Broadcast )  
Satellite Licensees and Their Affiliates; and )  
)  
Applications of Broadwave USA, )  
PDC Broadband Corporation, and )  
Satellite Receivers, Ltd. to Provide A )  
Fixed Service in the 12.2-12.7 GHz Band )

ET Docket No. 98-206 /  
RM-9147  
RM-9245

COMMENTS OF TELESAT CANADA

1. Telesat Canada ("Telesat"), a Canadian-licensed fixed satellite service provider, hereby submits the following comments in response to the Further Notice of Proposed Rulemaking ("FNPRM") released by the Federal Communications Commission ("FCC" or the "Commission") on 8 December 2000 in the above captioned proceeding. Telesat's comments are restricted to one issue, that being the proposed conditional licensing of U.S. terrestrial fixed Multichannel Video Distribution and Data Service ("MVDDS") systems within fifty-six km, or thirty-five miles, of the Canadian border.

2. The Commission addresses this licensing issue at paragraphs 309 and 310 of the FNPRM as follows:

309. Section 2.301 of our Rules requires stations using radio frequencies to identify their transmissions with a view to eliminate harmful interference and generally enforce applicable radio treaties, conventions, regulations, arrangements, and agreements. At this time, international coordination between and among the United States, Mexico and Canada

concerning the reallocation of this spectrum is not complete. We propose to adopt certain interim requirements for terrestrial licenses along these borders, and provide that these licensees will be subject to the provisions contained within future agreements between and among the three countries.

310. We propose to grant conditional, licenses to United States MVDDS systems within fifty-six km (thirty-five miles) of the Canadian and Mexican borders, until final international agreements are signed. These systems may not cause harmful interference to stations in Canada or Mexico. In addition, we note that further modification may be necessary in order to comply with future agreements with Canada and Mexico regarding the use of this band. We seek comments on this proposal. [footnote citation omitted]

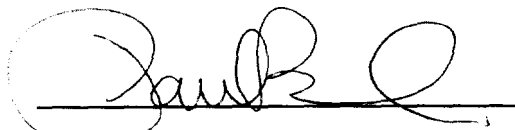
3. As noted in the above FNPRM quotation, the international coordination between and among the U.S., Canada and Mexico for reallocating this particular band of spectrum is not complete. Moreover, it has not been demonstrated that it is possible for U.S. MVDDS licensees to operate within 56 km of the Canadian or Mexican borders without causing harmful interference in these other countries. Telesat is particularly concerned that the operation of MVDDS transmitters within this distance from the Canadian border will cause interference into the Broadcast Satellite Service (“BSS”) currently being provided by Telesat within Canada.

4. Accordingly, until such time as it has been conclusively demonstrated that MVDDS transmitters operating within 56 km of the U.S. border with Canada and Mexico will not cause harmful interference with any radio frequency systems licensed and operating within these neighboring countries, and until such time as the United States, Canada and Mexico have concluded final international coordination agreements for services in this band, it would not be appropriate for the Commission to license any U.S. MVDDS systems within this close proximity to these international borders.

5. In the spirit of international cooperation and in recognition of the need to consider possible extra-territorial impacts of domestic radio frequency policies, Telesat therefore urges the Commission to abandon its proposal to grant conditional licenses to U.S. MVDDS systems within this distance from the Canadian and Mexican borders, and instead decide to forego granting any licenses within this close proximity to these international borders until international coordination agreements involving this frequency band have been signed by the three

administrations. In the interim, Telesat will work closely with Industry Canada in support of these coordination discussions.

All of which is respectfully submitted this 12<sup>th</sup> day of March 2001.

A handwritten signature in black ink, appearing to read 'Paul D. Bush', written over a horizontal line.

Paul D. Bush  
Vice President, Corporate Development  
Telesat Canada